

The Plaintiffs also demand that the Receiver be granted authority to supersede and ignore all state laws relating to governing lines of authority, budgeting, governmental structure and organization, procurement, and personnel.

Plaintiffs' stated purpose for the appointment of a Receiver is to ensure full compliance with the 113 commitments in the 2nd Mississippi Modified Settlement Agreement ("2nd MSA") that was entered as a Consent Order on December 19, 2016, in an expeditious and cost effective manner. This extraordinary relief should be imposed, in the Plaintiffs' view, due to MDCPS's failure to achieve all of the commitments in the 2nd MSA and the spurious claim that the current MDCPS's leadership is in chaos and is unwilling and incapable of managing MDCPS and meeting these commitments.

Both demands should be rejected. A contempt finding serves no valid purpose and there is no factual or legal basis for transferring control of MDCPS to a Receiver with no evidence other than conjecture that the Receiver would improve foster care in Mississippi or achieve the commitments in the 2nd MSA and with no evidence whatsoever that the current, highly qualified MDCPS leadership is unwilling and incapable of managing MDCPS. Instead, in light of the accomplishments, improvements and progress that the Defendants have made in the delivery of foster care services after entry of the 2nd MSA, after overcoming significant financial and funding obstacles, the Court should reject both demands.

The Defendants adopt and incorporate in this *Response Defendants' Memorandum of Authorities in Support of the Response and Objections to Plaintiffs' Amended Motion for Relief Pursuant to Remedy Phase of Plaintiffs' Renewed Motion for Contempt, for an Evidentiary Hearing, and for the Appointment of a Receiver* and the exhibits referenced in the Memorandum. A list of the exhibits is attached.

In addition, the Defendants incorporate in this Response any additional exhibits filed in support of Defendants' Response To Plaintiffs' Motion For Relief Pursuant To Remedy Phase Of Plaintiffs' Renewed Motion For Contempt, For An Evidentiary Hearing And For Appointment of Receiver [ECF No. 754] and Defendants' Motion For Relief Under Section 11.2.a. of the 2nd Modified Settlement Agreement And Reform Plan And Rule 60(b) of the Federal Rules of Civil Procedure [ECF No. 756].

RESPECTFULLY SUBMITTED, this the 3rd day of September, 2019.

PHIL BRYANT, as Governor of the State of Mississippi, JESS H. DICKINSON, as Commissioner, Mississippi Department of Child Protection Services, and TRACY MALONE, as Deputy Commissioner of Child Welfare, Mississippi Department of Child Protection Services

By: /s/ James L. Jones

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**EXHIBIT LIST FOR DEFENDANTS' RESPONSE TO
PLAINTIFFS' AMENDED MOTION FOR RELIEF PURSUANT TO REMEDY PHASE OF
PLAINTIFFS' RENEWED MOTION FOR CONTEMPT, FOR AN EVIDENTIARY
HEARING, AND FOR THE APPOINTMENT OF A RECEIVER**

Exhibit No.	Date	Description	Reference Name
A	08/06/2015	(Revised 02/17/2016) Fiscal Year 2017 Budget Request Summary Page: MDHS DFCS	SFY-2017 Revised Budget Request
B	11/24/2015	Organizational Analysis - MDHS-DFCS: Prepared by Public Catalyst	Organizational Analysis by PC
C	05/16/2016	House Bill No. 1652 (As Sent to Governor): Fiscal Year 2017 (7/1/2016 to 6/30/2017) An Act Making An Appropriation To The Department of Human Services And For Related Purposes For The Fiscal Year 2017Appropriation	SFY-2017 Appropriation
D	05/25/2016	MDCPS - Recruitment, Hiring and Retention Plan	2016 Recruitment Plan
E	07/27/2016	Memo from Takesha Darby to Joey Songy & Brian Pugh; Re: SFY2018 Budget Justification	7/27/16 Darby Memo
F	08/01/2016	(Revised 9/13/16) Fiscal Year 2018 Budget Request Summary Page: MDCPS	SFY-2018 Budget Request
G	12/19/2016	Stipulated Third Remedial Order (Doc 713)	STRO
H	12/19/2016	2nd Modified Mississippi Settlement Agreement and Reform Plan (Doc 712)	2nd MSA
I	03/31/2017	Memo from Public Catalyst re 2017 Caseload Performance Targets	PC 2017 Caseload Performance Targets
J	04/13/2017	House Bill No. 1513 (As Sent to Governor): An Act Making An Appropriation To The Department of Child Protection Services; And For Related Purposes For Fiscal Year 2018	SFY-2018 Appropriation
K	08/31/2017	(Revised 9/14/17) Fiscal Year 2019 Budget Request Summary Page: MDCPS	SFY-2019 Budget Request
L	02/20/2018	Revised Fiscal Year 2018 (7/1/2017 to 6/30/2018) Budget Request:	SFY-2018 Revised Budget Request
M	03/05/2018	Correspondence from Marcia Lowry to Kenya Rachal; Re: Notice of Non-Compliance re Caseload Performance	Notice of Non-Compliance
N	04/12/2018	House Bill No. 1600 (As Sent to Governor): An Act Making An Appropriation to the Department of Human Services; And for Related Purposes, For Fiscal Year 2019	SFY-2019 Appropriation

Exhibit No.	Date	Description	Reference Name
O	05/31/2018	Larrison Campbell, <i>Olivia Y plaintiffs to Bryant: Replace CPS head or go to court</i> , Mississippi Today (May 31, 2018)	Campbell Article – 5/31/18
P	08/01/2018	In-Circle Y1 Analysis	2018 In-Circle Analysis
Q	08/10/2018	Fiscal Year 2020 Budget Request Summary Page: MDCPS	SFY-2020 Budget Request
R	11/13/2018	Correspondence from Marcia Lowry to Kenya Rachal; Re: Notice of Non-Compliance	11/13/18 Notice
S	11/15/2018	2018 Continuous Quality Improvement Plan -	2018 CQI Plan
T	11/27/2018	Deposition of Taylor Cheeseman; page 48	Cheeseman Dep.
U	11/28/2018	Deposition of Kristi Plotner; pages 24-25	Plotner Dep.
V	11/28/2018	Deposition of Cindy Greer; pages 10, 17-18	Greer Dep.
W	11/28/2018	Deposition of Tracy Malone; pages 4, 33-36, 39-41	Malone Dep.
X	11/29/2018	Deposition of Jess H. Dickinson; pages 59, 140-143	Dickinson Dep.
Y	04/16/2019	House Bill No. 1652 (As Sent to Governor): An Act Making An Appropriation to the Department of Human Services; and for Related Purposes, For the Fiscal Year 2020	SFY-2020 Appropriation
Z	06/11/2019	Progress of the Mississippi Department of Child Protection Services; Monitoring Report for 2nd Modified Mississippi Settlement Agreement	2018 Monitor's Report
AA	07/02/2019	Memo from Taylor Cheeseman to Shannon Rushton re increased hiring	7/2/19 Cheeseman Memo
AB	07/00/2019	Safe At Home 5-Year Strategic Improvement Plan	5-Year Strategic Plan
AC	09/03/2019	Affidavit of Kris Jones	Jones Aff.
AD	09/03/2019	Affidavit of Tonya Rogillio	Rogillio Aff.
AE	09/03/2019	Affidavit of Jaworski Davenport	Davenport Aff.
AF	09/03/2019	Affidavit of Jess Dickinson	Dickinson Aff.